

MAY 04 2004

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PATENT
Attorney Docket No. 0320-0020 (HOOV 120)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Michael D. Hooven

Serial No.: 10/015,476

Filed: December 13, 2001

Group Art No.: 3739

Examiner: Rosiland S. Rollins

For: TRANSMURAL ABLATION DEVICE

CERTIFICATE OF MAILING BY "FACSIMILE"

Date of Deposit May 4, 2004

I hereby certify that this paper is being sent by facsimile to the United States Patent and Trademark Office to fax number (703) 872-9306 on the date indicated above.

NAME Renée C. BarthelSIGNATURE Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450SUPPLEMENTAL RESPONSE TO OFFICE ACTION OF FEBRUARY 20, 2004

This Response supplements the "Amendment Accompanying a Request for a Continued Examination" which was filed by Express Mail on April 30, 2004, and provides the following comments, which were also made of record in related U.S. Patent Application Serial No. 10/327,831, filed December 23, 2002.

In view of the Federal Circuit's recent decision in Dayco Products, Inc. v. Total Containment, Inc., 66 U.S.Q.P.2d 1801 (Fed. Cir. 2003), and out of an abundance of caution, Applicant wants to specifically point out to the Examiner the prior art

cited by the Examiner in the examination of the method claims in parent Application Serial No. 09/747,609 (which issued as U.S. Patent No. 6,546,935), and in examination of the apparatus claims in related Application Serial No. 09/844,225 (which issued as U.S. Patent No. 6,517,536). Applicant notes that the Examiner for both of these issued patents is the Examiner for the present application, and that the above-mentioned prior art has been cited by Applicant in this application, and thus appreciates that this may be unnecessary and, as noted above, is being done out of an abundance of caution in light of Dayco.

With respect to Application Serial No. 09/747,609, prior to allowance the Examiner cited the following patents: Cox et al. 6,161,543; and Wang (New England Medical Center) WO 99/59486. With respect to Application Serial No. 09/844,225, which included device claims, the following patents were cited by the Examiner: Yamauchi et al. 6,273,887; Ryan 6,267,761, Imran 5,680,860; Wampler 6,296,640; Klein 6,083,222; and Burnside et al. 6,071,281. These two earlier applications were the subject of a personal interview with the Examiner held on July 31, 2002.

Accordingly, in view of this Supplemental Response, and the previously submitted Amendment Accompanying a Request for a Continued Examination which accepted allowable claims and cancelled the rejected claims, applicant now believes the

application is in condition for allowance and a notice of allowance is respectfully requested.

Respectfully submitted,

Date: May 4, 2004

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